

REMARKS

Claims 1, 2, 4-35, 38-44, 49 and 51-65 are pending in this application, all of which are rejected. Claims 1, 35, 49, and 61 are amended herewith. Support for these amendments can be found for example at page 8, line 31 to page 9, line 13 and in Fig. 2A. No new matter is added by these amendments. Please consider the following remarks.

35 U.S.C. § 102

All of the pending claims are rejected under 35 U.S.C. 102(b) as being anticipated by either U. S. Patent No. 2,066,241 to Trattner et al., ("Trattner") or U. S. Patent No. 5,305,491 to Hegemann ("Hegemann"). All of Applicant's amended claims feature an oral device including a handle, a head, and a plurality of opposed cleaning elements mounted on opposed surfaces. Each of the cleaning elements are mounted at an acute angle relative to an interproximal line such that the angle relative to the interproximal line is in a plane that is substantially parallel to the chewing surface of a row of the user's teeth. This angle enables the cleaning elements to penetrate the interproximal region during use.

Trattner discloses a toothbrush having a body and a handle where the body is shaped as an open loop resembling a substantially U-shaped member in outline. (Col. 2, lines 23-25.) Groups of bristles are arranged in opposed groups such that the tufts of the groups are slanted or inclined away from the opening of the body. This causes the bristles to engage with the entire front and rear surfaces of the teeth while at the same time inserting themselves into the spaces between the teeth. (Col. 2, lines 41-50.) Accordingly, the arrangement of the bristles in Trattner, both as described in the specification and illustrated in the figures, forms an angle in a plane cutting vertically through the user's teeth (See e.g., Fig. 4).

In contrast to the toothbrush disclosed in Trattner, the oral device featured in the present invention recites cleaning elements that are mounted on the oral device at an acute angle to an interproximal line where the angle is in a plane that is substantially parallel to the chewing surface of a row of user's teeth (e.g., a horizontal plane in the user's mouth). This featured angle is described in Applicant's specification, for example, on page 8, line 31 to page 9, line 13, and shown in Fig. 2A.

Similarly to Trattner, Hegemann discloses a toothbrush having three brush heads where the two opposing brush heads have bristles that are slanted at a predetermined angle. Like Trattner, the angle disclosed in Hegemann is distinct from the angle relative to the interproximal line recited in the amended claims. As shown in Fig. 3A and Fig. 12 of Hegemann, the angle referred to as alpha is the angle between the plane in which the side brush head 14 lies and the plane perpendicular to the central brush head 11. (See e.g., Hegemann, col. 3, line 54 to col. 4, line 1; and col. 8, lines 39-55.) Thus, the corresponding "angle of attack" describes an angle that is in a plane perpendicular to that featured in the pending claims (i.e., the angle disclosed in Hegemann is in a plane that cuts through a vertical plane in the teeth).

In view of the foregoing, Applicants assert that neither Trattner or Hegemann disclose an oral device as featured in the amended claims. Accordingly, Applicants assert that the amended claims are novel over both Trattner and Hegemann.

35 U.S.C. § 103

Applicant's dependent claims have been rejected as being unpatentable over Trattner or Hegemann in combination with various secondary references. All of Applicant's dependent claims include the feature of cleaning elements mounted at an acute angle relative to an interproximal line, the angle relative to the interproximal line being in a plane that is substantially parallel to the chewing surface of a row of the user's teeth. As discussed above, Trattner and Hegemann both fail to provide such a teaching. Neither do Trattner or Hegemann suggest an oral device having cleaning elements mounted as featured in the amended claims. Moreover, none of the cited secondary references provide the missing teaching of Trattner or Hegemann, (i.e., a teaching or suggestion of cleaning elements mounted at an acute angle relative to an interproximal line, where the angle relative to the interproximal line is in a plane that is substantially parallel to the chewing surface of a row of the user's teeth). Accordingly, the cited combinations of Trattner and Hegemann with the various secondary references fail to render Applicant's amended claims *prima facie* obvious as the cited combinations fail to teach or suggest each element of Applicant's claims.

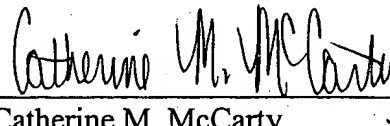
In view of the foregoing, Applicants assert that the amended claims are novel and unobvious and ask that all of the pending claims be allowed upon entry of this amendment.

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Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket number 00216-447001.

Respectfully submitted,



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